

June 7, 2017

I vehemently oppose the new **HB 4105** and **4334** bills not only for their usurpation of local government powers but also for their lack of specification.

If signed into law, **HB 4105** and **4334** could require local governments and police departments to do the bidding of the US Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP), or other federal agencies without question—even if their requests overstep the law of the land. These bills also make no provisions to pay local governments for services they would be forced to render to federal agencies; the bills do not provide a method to separate legitimate resident complaints from nuisance complaints.

The ACLU recommends nine policies that cities might adopt to become welcoming cities. These policies would ensure that a) access to residents by federal agencies is legal; b) individual privacy is protected; c) avenues for redress are available; and d) residents are protected from discrimination.

When another concerned Farmington resident and I visited Director Frank Demers and Deputy Ted Warthman to see if the City of Farmington supported these nine policies, we discovered, proudly, that the City of Farmington was already practicing seven of the nine. The other two policies dealt with the detention of residents by ICE or CBP. If these policies were adopted by our community, the city would:

- 1) Require a judicial warrant to detain an individual or in any manner prolong the detention of an individual at the request of ICE and CBP
- 2) Prohibit the arrest, detention or transport of a resident solely at the request of ICE, CBP without a federal warrant.

Director Demers and Deputy Warthman were not against these policies necessarily, but said they wanted to investigate the federal warrant requirement with the city attorney before they could support them.

However, **HB 4015** and **4334** would take this option away. They would force the City of Farmington and other local governments, if requested, to detain, arrest or transport citizens without federal warrants or even an explanation as to why the request was made. Shouldn't local governments have the right, even the duty, to question and ensure the legality of federal requests?

HB 4015 and **4334** could also foster nuisance complaints about current policies designed to protect residents. If local police refuse to provide information to a resident, for example, who suspects a neighbor's immigrant status and wants ICE to investigate, will the local governments be investigated just because the police are following long-established privacy policy?

HB 4015 and **4334** make no mention of *any* requirements for federal agencies to ensure that arrest, detention and transport requests are legal, and would subjugate local police departments to *any* federal whim or wish. They would also syphon costly detention and transportation funds from local government budgets not to mention the valuable time they would steal from safety patrols or emergency responses.

In sum, **HB 4015** and **4334** would force local governments and police departments to become extensions of ICE and CBP when their first duty is to serve and protect residents and neighborhoods.

HB 4015 and **4334** are unnecessary and dangerous bills. They are an insult to local governments that have worked conscientiously to welcome immigrants and provide every resident the constitutional protections we all expect and should enjoy.



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